

QUESTIONS AND ANSWERS # 1
Request for Proposals
Energy Technical Services Provider
For the Maryland Energy Administration
PROJECT NO. DEXR3400002
May 1, 2013

Ladies/Gentlemen:

This List of Questions and Answers #1, questions #1 through #12, is being issued to clarify certain information contained in the above named RFP. The statements and interpretations of Contract requirements which are stated in the following questions of potential Offerors, are not binding on the State, unless the State expressly amends the RFP. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require. However, if from a particular vendor question(s), it seems as if the vendor has misinterpreted RFP wording referenced in a question, the State's response typically will point out the misinterpretation as part of the answer to the question.

1. Under Amendment 1, the minority business enterprise requirements are broken down into sub goals. If an MBE subcontractor fits more than one category can they satisfy both sub goals? For example, if a business is women owned and African American owned, and that business has 12% of the contract, do they satisfy the woman owned sub goal of 12% AND the African American owned goal of 7%, assuming the overall MBE goal of 25% is still met? or would it need to be two separate firms?

STATE RESPONSE:

No, even if a subcontractor can be characterized by more than one category, the subcontractor cannot be used to satisfy more than one sub-goal.

Using your example, if a business is both woman-owned and African-American owned, that business can only be used to satisfy one MBE sub-goal category. The Contractor and its sub-contractors will have to choose to be classified as either a woman-owned or an African-American owned business for the purposes of meeting the MBE sub-goals.

2. Is there a specific task that is requiring the professional liability insurance amounts listed in the RFP?

STATE RESPONSE:

There may be specific tasks that require the professional liability insurance amounts listed in the RFP. The professional liability insurance amounts listed in the RFP apply to the entire contract.

3. If so, if a subcontractor who is completing that task carries the insurance required, is that enough to meet the requirement?

STATE RESPONSE:

The contract requires that the Contractor and its **sub-contractors**(Emphasis Added) maintain all insurance as required in RFP section 2.8.3. Where it might be appropriate, a sub-contractor may be released from certain insurance requirements, if the MEA deems it is appropriate. See RFP section 2.8.6 and 2.8.6.1 for details.

4. Please confirm, in accordance with 21.05.03.04 D(2), that during execution the Contractor will be allowed to charge its approved indirect cost rates (e.g., G&A) on and Other Direct costs proposed and incurred under a task order.

STATE RESPONSE:

The answer is no. RFP section 1.2 h includes in the definition that all indirect costs including G&A must be included within the labor rates contracted.

If the question regards the miscellaneous charges that may be allowed within a specific task order, the answer is the RFP section 1.3.1 will allow, " a cost contract for certain marketing materials, supplies, and equipment supplied as specified in a task order. Allowable costs will be specified within each task order." Please note that RFP section 2.2.5 states that "In no case should the Contractor apply a mark-up rate to the cost of the equipment, marketing material or supply".

5. The Offeror requests MEA's consideration of the following change to Section 2.8.5. Please note the industry regulation change on the specified timeframe for the cancellation notification is provided on page two of the enclosed document. The proposed text to align with this is below.
 - a. Remove: All insurance policies shall be endorsed to include a clause that requires that the insurance carrier provide the Procurement Officer, by certified mail, not less than 60 days advance notice of any non-renewal, cancellation, or expiration.
 - b. Add: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

STATE RESPONSE:

The State will not consider any further changes to RFP Section 2.8.5. Should an Offeror believe that it is appropriate, the Offeror may include any proposed changes as permitted in RFP section 3.4.5. However, the State may or may not be willing to accept any proposed changes.

6. Given the changes to the MBE requirements in Amendment 1, can MEA provide an idea of the amount of work likely to come through the proposed contract? Given the size and other requirements placed on MBEs, the offeror would like to have a better understanding of the likely support needed in order to evaluate the number of companies required to fulfill the specific MBE goals.

STATE RESPONSE:

While MEA cannot project any actual total contract value for this contract, MEA can share that the value of the existing contract for energy technical services currently exceeds \$5 million. However, there is no commitment on the MEA to guarantee any specific dollar amount of work under any resulting contract.

7. Under RFP Section 2.4.3 "Personnel Labor Classifications/Requirements", what is meant by "Advanced Degree"?

STATE RESPONSE:

The MEA defines an advanced degree as a "Master's or Doctorate degree". This definition will be added to definitions RFP section 1.2 via an addendum to the RFP.

8. Under RFP Section 2.4.3 "Personnel Labor Classifications/Requirements", the requirements for years of experience under the labor categories labeled as or requesting intermediate- to senior-level professionals are well below industry averages (for Labor Categories Nos. 1, 2, 6, 7, 8, and 9.) For example, for "Senior Program Analyst/Task Order Leader," one would typically expect to see a requirement for at least 10 years' experience with a Master's degree (as opposed to the 2 years' experience in the RFP) and 12 years' experience with a Bachelors degree. Was this MEA's intent?

STATE RESPONSE:

The minimum years of experience requirement outlined in the RFP was based on MEA's anticipated energy technical support needs rather than an industry standard. MEA will not alter the years of experience requirements listed in section 2.4.3 of the RFP

9. Under RFP Section 2.4.3 "Personnel Labor Classifications/Requirements", if MEA were to adjust upward the minimum years of experience requirements for senior-level labor categories to reflect more industry averages, could MEA add a mid-level "Program Analyst" category similar to the one included in MEA's "Technical Services Manager" 2009 RFP?

STATE RESPONSE:

The MEA will not adjust the minimum years of experience requirements for senior-level labor categories nor will the MEA modify the RFP to add a mid-level program analyst category.

10. Are there a minimum number of compliant proposals necessary for MEA to be able to make an award under this project?

STATE RESPONSE:

In order to make an award under this project, at least one compliant proposal must be remaining at the end of the evaluation process. However, the MEA may at its option cancel the procurement. See RFP section 1.13.

11. MEA is considering supporting the construction of net zero schools. The term “net zero” can be used in many different manners. Please confirm that Maryland is trying to construct net zero “ENERGY” schools, meaning that the school produces the same amount of energy over the year as it uses. Also, please confirm that this means total energy (electricity plus natural gas plus propane plus steam, etc.), or does it only refer to net zero electricity usage.

STATE RESPONSE:

MEA is defining a net zero energy school as “a school whose total annual energy generation is equivalent (or greater) than the total annual energy usage and where all energy sources (electricity, natural gas, propane, etc.) are considered”. This definition will be added to definitions RFP section 1.2 via an addendum to the RFP.

12. When identifying staff in different labor categories, can a staff member be identified under multiple labor categories if they fit the requirements of multiple categories? Or should each staff member only be identified under one labor category?

STATE RESPONSE:

A staff member can be qualified to work in more than one labor category. However, the staff member must be available to perform those duties without detriment to the other labor categories and the staff member cannot work in more than one labor category on any given task order.

Should you require clarification of the information provided, please contact me via e-mail or (410) 260-7752 as soon as possible.

Date Issued: May 1, 2013

By: _____
Maria Ulrich
Procurement Officer